

Page 1 of 2

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0111-MSW-E TCEQ ID: RN101193357 CASE NO.: 32329
RESPONDENT NAME: Anthony Vaughn dba Wildwood Mobile Home Village

| | | |
|---|---|---|
| ORDER TYPE: | | |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER | <input type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> SHUTDOWN ORDER | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER | <input type="checkbox"/> EMERGENCY ORDER | |
| CASE TYPE: | | |
| <input type="checkbox"/> AIR | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE |
| <input type="checkbox"/> PUBLIC WATER SUPPLY | <input type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION |
| <input type="checkbox"/> WATER QUALITY | <input type="checkbox"/> SEWAGE SLUDGE | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL |
| <input checked="" type="checkbox"/> MUNICIPAL SOLID WASTE | <input type="checkbox"/> RADIOACTIVE WASTE | <input type="checkbox"/> DRY CLEANER REGISTRATION |
| <p>SITE WHERE VIOLATION(S) OCCURRED: Wildwood Mobile Home Village, 5501 Acuff Road, Lubbock, Lubbock County</p> <p>TYPE OF OPERATION: Mobile home residential neighborhood</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received on September 12, 2006 alleging unauthorized disposal of waste at Wildwood Mobile Home Village. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 1, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Dana Shuler, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-2505; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Anthony Vaughn, Manager, Wildwood Mobile Home Village, 5501 Acuff Road, Lubbock, Texas 79403 Respondent's Attorney: Not represented by counsel on this enforcement matter</p> | | |

VIOLATION SUMMARY CHART:

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
|--|---|---|
| <p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: September 12, 2006</p> <p>Date of Investigation Relating to this Case: December 15, 2006</p> <p>Date of NOV/NOE Relating to this Case: December 21, 2006 (NOE)</p> <p>Background Facts: This was a complaint investigation. One violation was documented.</p> <p>WASTE</p> <p>Failed to prevent the disposal of municipal solid waste at an unauthorized site. Specifically, approximately 80 cubic yards of municipal solid waste, including household waste, trees, brush, white goods, some mixed construction and demolition waste, have been disposed of at the Site [30 TEX. ADMIN. CODE § 330.15(c)].</p> | <p>Total Assessed: \$1,070</p> <p>Total Deferred: \$214 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$110 (remaining \$746 due in 6 monthly payments of \$110 each and one final payment of \$86)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> | <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, cease allowing the disposal of additional waste at the Site;</p> <p>b. Within 60 days after the effective date of this Agreed Order, ensure that all unauthorized waste is removed from the Site and properly disposed of at a permitted municipal solid waste disposal facility; and</p> <p>c. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and b.</p> |



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES

Assigned

3-Jan-2007

PCW

23-Jan-2007

Screening

23-Jan-2007

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent Anthony Vaughn dba Wildwood Mobile Home Village

Reg. Ent. Ref. No. RN101193357

Facility/Site Region 2-Lubbock

Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 32329

Docket No. 2007-0111-MSW-E

Media Program(s) Municipal Solid Waste

Multi-Media

Admin. Penalty \$ Limit Minimum \$0 **Maximum** \$10,000

No. of Violations 1

Order Type 1660

Enf. Coordinator Dana Shuler

EC's Team EnforcementTeam 8

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$1,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

7% Enhancement

Subtotals 2, 3, & 7 \$70

Notes

The Respondent has received one NOV with same or similar violations and one other for this site within the past five years.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

Before NOV

NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement*

Subtotal 6 \$0

Total EB Amounts \$45
Approx. Cost of Compliance \$1,040

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$1,070

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Adjustment \$0

Notes

Final Penalty Amount \$1,070

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$1,070

DEFERRAL

20%

Reduction

Adjustment -\$214

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$856

Screening Date 23-Jan-2007

Docket No. 2007-0111-MSW-E

PCW

Respondent Anthony Vaughn dba Wildwood Mobile Home Village

Policy Revision 2 (September 2002)

Case ID No. 32329

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101193357

Media [Statute] Municipal Solid Waste

Enf. Coordinator Dana Shuler

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria) | 1 | 5% |
| | Other written NOVs | 1 | 2% |
| Orders | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) | 0 | 0% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (number of counts) | 0 | 0% |
| Emissions | Chronic excessive emissions events (number of events) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) | 0 | 0% |
| Please Enter Yes or No | | | |
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 7%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent has received one NOV with same or similar violations and one other for this site within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 7%

Screening Date 23-Jan-2007

Docket No. 2007-0111-MSW-E

PCW

Respondent Anthony Vaughn dba Wildwood Mobile Home Village

Policy Revision 2 (September 2002)

Case ID No. 32329

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101193357

Media [Statute] Municipal Solid Waste

Enf. Coordinator Dana Shuler

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 330.15(c)

Violation Description

Failed to prevent the disposal of municipal solid waste at an unauthorized site, as documented during a records review conducted on December 15, 2006. Specifically, approximately 80 cubic yards of municipal solid waste, including household waste, trees, brush, white goods, some mixed construction and demolition waste, have been disposed of at the Site.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | x |
| Potential | | | |

Percent 10%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

39 Number of violation days

| | | |
|----------------------------|--------------|---|
| mark only one with an x | daily | |
| | monthly | |
| | quarterly | x |
| | semiannual | |
| | annual | |
| | single event | |

Violation Base Penalty \$1,000

One quarterly event is recommended from the December 15, 2006 investigation date to the January 23, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$45

Violation Final Penalty Total \$1,070

This violation Final Assessed Penalty (adjusted for limits) \$1,070

Economic Benefit Worksheet

Respondent Anthony Vaughn dba Wildwood Mobile Home Village

Case ID No. 32329

Reg. Ent. Reference No. RN101193357

Media Municipal Solid Waste

Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$ | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|-------------|-----|------|-----|------|
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.0 | \$0 | \$0 | \$0 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | \$1,040 | 15-Dec-2006 | 26-Oct-2007 | 0.9 | \$45 | n/a | \$45 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to dispose of approximately 80 cubic yards of waste at a permitted municipal solid waste landfill at \$13 per cubic yard from the investigation date to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,040

TOTAL

\$45

Compliance History

| | | | | |
|---|------------------------------------|------------------------------|-----------------|--------------|
| Customer/Respondent/Owner-Operator: | CN602138315 | VAUGHN, ANTHONY | Classification: | Rating: |
| Regulated Entity: | RN101193357 | WILDWOOD MOBILE HOME VILLAGE | Classification: | Site Rating: |
| ID Number(s): | PUBLIC WATER SYSTEM/SUPPLY | REGISTRATION | | 1520046 |
| | WATER LICENSING | LICENSE | | 1520046 |
| Location: | 5501 ACUFF RD., LUBBOCK, TX, 79416 | | | |
| TCEQ Region: | REGION 02 - LUBBOCK | | | |
| Date Compliance History Prepared: | May 22, 2007 | | | |
| Agency Decision Requiring Compliance History: | Enforcement | | | |
| Compliance Period: | April 16, 2002 to April 16, 2007 | | | |
| TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History | | | | |
| Name: | Alison Echlin | Phone: | 512-239-3308 | |

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

| | | |
|-----|------------|----------|
| 1 | 02/20/2003 | (25246) |
| N/A | | |
| 2 | 04/14/2005 | (377340) |
| 3 | 11/20/2006 | (531398) |
| 4 | 12/21/2006 | (534583) |
| 5 | 03/21/2007 | (539905) |

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 10/09/2006 (515260)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter A 330.15(c)

Description: Failed to prevent the disposal of municipal solid waste at an unauthorized site.

Date: 03/23/2007 (539905)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)

Description: Failure to maintain a record of operations.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)(A)

Description: Failure to complete and submit Disinfectant Level Quarterly Operating Reports (DLQORs).

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)[G]

Description: Failure to possess a DPD method chlorine test kit.

| | | | |
|--------------|---|----------------|----------|
| Self Report? | NO | Classification | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.121(a) | | |
| Description: | Failure to complete and implement a Monitoring Plan. | | |
| Self Report? | NO | Classification | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.42(j) | | |
| Description: | Failure to use a disinfectant that conforms to American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 60. | | |

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ANTHONY VAUGHN DBA
WILDWOOD MOBILE HOME
VILLAGE
RN101193357**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0111-MSW-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Anthony Vaughn dba Wildwood Mobile Home Village ("Mr. Vaughn") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Vaughn appear before the Commission and together stipulate that:

1. Mr. Vaughn oversees daily operations at a mobile home residential neighborhood located at 5501 Acuff Road in Lubbock, Lubbock County, Texas (the "Site").
2. The Site involves or involved the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Commission and Mr. Vaughn agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Vaughn are subject to the Commission's jurisdiction.
4. Mr. Vaughn received notice of the violations alleged in Section II ("Allegations") on or about December 26, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Vaughn of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of One Thousand Seventy Dollars (\$1,070) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Vaughn has paid One Hundred Ten Dollars (\$110) of the administrative penalty and Two Hundred Fourteen Dollars (\$214) is deferred contingent upon Mr. Vaughn's timely and satisfactory compliance with all the terms of this Agreed Order. If Mr. Vaughn fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Mr. Vaughn to pay all or part of the deferred penalty.

The remaining amount of Seven Hundred Forty-Six Dollars (\$746) of the administrative penalty shall be payable in 6 monthly payments of One Hundred Ten Dollars (\$110) each and one final payment of Eighty-Six Dollars (\$86). The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Mr. Vaughn fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Mr. Vaughn to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Vaughn to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Mr. Vaughn have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Vaughn has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As operator of the Site, Mr. Vaughn is alleged to have failed to prevent the disposal of municipal solid waste at an unauthorized site, in violation of 30 TEX. ADMIN. CODE § 330.15(c), as documented during a records review conducted on December 15, 2006. Specifically, approximately 80 cubic yards of municipal solid waste, including household waste, trees, brush, white goods, some mixed construction and demolition waste, have been disposed of at the Site.

III. DENIALS

Mr. Vaughn generally denies each allegation in Section II (Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Vaughn pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Vaughn's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Anthony Vaughn dba Wildwood Mobile Home Village, Docket No. 2007-0111-MSW-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Mr. Vaughn shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, cease allowing the disposal of additional waste at the Site;
 - b. Within 60 days after the effective date of this Agreed Order, ensure that all unauthorized waste is removed from the Site and properly disposed of at a permitted municipal solid waste disposal facility, in accordance with 30 TEX. ADMIN. CODE § 330.15(c); and
 - c. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No(s). 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Municipal Solid Waste Section, Manager
Lubbock Regional Office
Texas Commission on Environmental Quality
5012 50th Street, Suite 100
Lubbock, Texas 79414-3421

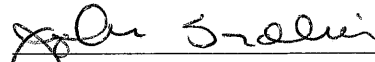
3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Vaughn. Mr. Vaughn is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
4. If Mr. Vaughn fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Vaughn's failure to comply is not a violation of this Agreed Order. Mr. Vaughn shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Vaughn shall notify the Executive Director within seven days after Mr. Vaughn become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Vaughn shall be made in writing to the Executive Director. Extensions are not effective until Mr. Vaughn receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Vaughn in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Vaughn, or three days after the date on which the Commission mails notice of the Order to Mr. Vaughn, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 12/14/2007

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

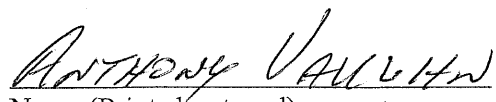
- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

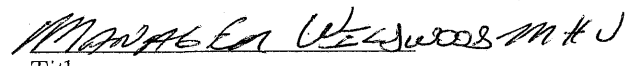


Signature

Date 11.27.07



Name (Printed or typed)
Authorized Representative of
Anthony Vaughn dba Wildwood Mobile Home Village



Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Vaughn, or three days after the date on which the Commission mails notice of the Order to Mr. Vaughn, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.